

FILED

JUL 31 2002

**Commission on
Judicial Performance**

EDWARD P. GEORGE, JR. (Bar No. 30120)
TIMOTHY L. O'REILLY (Bar No. 150392)
EDWARD P. GEORGE, JR., INC.
5000 East Spring Street, Suite 430
Long Beach, California 90815-1275
Telephone: (562) 497-2900
Facsimile: (562) 497-2904

**Attorneys for Respondent,
Retired Judge James R. Simpson**

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

**INQUIRY CONCERNING FORMER
JUDGE JAMES R. SIMPSON,
NO. 168.**

**ANSWER OF RETIRED JUDGE
JAMES R. SIMPSON, NAMED
HEREIN AS FORMER JUDGE
JAMES R. SIMPSON**

COMES NOW, Respondent, Retired Judge James R. Simpson, named herein as Former Judge James R. Simpson, and answering the Notice of Formal Proceedings in the above-entitled inquiry, admits, denies and alleges as follows:

COUNT ONE

As to Count One, Respondent specifically denies that his alleged conduct intentionally violated the Code of Judicial Ethics, canons 1, 2A, 2B(1) and 3E, was willful misconduct in office, was conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or was improper conduct within the meaning of the California Constitution, Article VI, section 18(d).

COUNT TWO

Respondent alleges as to each of the allegations made:

Respondent specifically denies that his alleged conduct intentionally violated the Code of Judicial Ethics, canons 1, 2A, 3B(1) and 3E, was willful misconduct in office, was conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or was improper conduct within the meaning of the California Constitution, Article VI, section 18(d).

COUNT THREE

Respondent alleges as to Count Three:

Respondent specifically denies that because of his relationship with Mr. Brandstater, he should have been disqualified from participating in Mr. Enzenauer's case pursuant to Code of Civil Procedure section 170.1(a)(6)(C).

Respondent specifically denies that his alleged conduct intentionally violated the Code of Judicial Ethics, canons 1, 2A, 2B(1), 2B(2), 3B(7) and 3E, was willful misconduct in office, was conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or was improper conduct within the meaning of the California Constitution, Article VI, section 18(d).

COUNT FOUR

Respondent alleges as to Count Four:

Respondent specifically denies that Respondent should have been disqualified from participating in the case pursuant to Code of Civil Procedure section 170.1(a)(6)(C).

Respondent specifically denies that his alleged conduct intentionally violated the Code of Judicial Ethics, canons 1, 2. 2A, 2B(1), 2B(2) and 3E, was willful

misconduct in office, was conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or was improper conduct within the meaning of the California Constitution, Article VI, section 18(d).

COUNT FIVE

Respondent alleges as to each of the specific allegations made:

A. Respondent specifically denies that there were any pauses in any conversation with Commissioner Bracke in order to give her time to suggest what favorable action she could take on any ticket.

B. Respondent specifically denies that there were any pauses in any conversation with Commissioner Bracke in order to give her time to suggest what favorable action she could take on any ticket.

C. Respondent specifically denies that there were any conversations or actions in Commissioner Bracke's chambers, in order to give her time to suggest what favorable action she could take on any ticket.

D. Respondent specifically denies that any conversation or actions on his part were used to request special treatment for a friend.

Respondent specifically denies that his alleged conduct intentionally violated the Code of Judicial Ethics, canons 1, 2A, 2B(1), 2B(2) and 3B(7), was willful misconduct in office, was conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or was improper conduct within the meaning of the California Constitution, Article VI, section 18(d).

COUNT SIX


Respondent alleges as to Count Six:

Respondent specifically denies that his conduct implied that he wanted Officer Petersen to give his friend favorable treatment.

Respondent specifically denies that his alleged conduct intentionally violated the Code of Judicial Ethics, canons 1, 2A, 2B(1) and 2B(2), was willful misconduct in office, was conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or was improper conduct within the meaning of the California Constitution, Article VI, section 18(d).

Respectfully submitted,

EDWARD P. GEORGE, JR.
TIMOTHY L. O'REILLY
EDWARD P. GEORGE, JR., INC.

By 
EDWARD P. GEORGE, JR.
Attorneys for Respondent,
Former Judge James R. Simpson

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I, JAMES R. SIMPSON, declare that:

I am the respondent judge in the above-entitled proceeding. I have read the foregoing Answer of Former Judge James R. Simpson, and all facts alleged in the above document, not otherwise supported by citations to the record, exhibits, or other documents, are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 29, 2002, at GLENDALE, California.



JAMES R. SIMPSON

Judge No. 168

PROOF OF SERVICE

State of California, County of Los Angeles:

I, Kay L. Marcum, declare that: I am and was at all times herein mentioned, a citizen of the United States; employed in the county aforesaid; over the age of 18 years; and not a party to the within action or proceeding. My business address is 5000 East Spring Street, Suite 430, Long Beach, California 90815.

The original **Answer of Retired Judge James R. Simpson (named herein as Former Judge James R. Simpson)** was served for filing with the Commission on Judicial Performance on July 30, 2002, by placing the original Answer in a sealed Federal Express envelope addressed to the Commission on Judicial Performance, Office of Commission Counsel, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102; said envelope was deposited with the Federal Express office in Long Beach, California, on said date for delivery to the Commission on July 31, 2002.

A copy of the Answer of Retired Judge James R. Simpson (named herein as Former Judge James R. Simpson) was served on Jack Coyle, Trial Counsel, Commission on Judicial Performance by facsimile on July 30, 2002, at (415) 557-1165, and by placing a true copy thereof, in a sealed envelope with postage thereon fully prepaid, and causing said envelope to be deposited in the United States mail at Long Beach, California, on July 30, 2002, addressed as follows:

Jack Coyle, Trial Counsel
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 30, 2002, at Long Beach, California.


KAY L. MARCUM